



## GREENWOOD COMMON COUNCIL JUNE 7, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Tom Bridges of the First Baptist Church led in prayer.

<b>PRESENT:</b>	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, Keith Hardin, and Jessie Reed; Mayor Henderson; City Attorney Shawna Koons-Davis; and Deputy Clerk Kathie Fritz. Councilman John Gibson was unable to attend.
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Mr. Armstrong, referring to corrections in the final draft, moved to approve the minutes of May 17<sup>th</sup> meeting. Second by Ms. Reed. Mr. Bates mentioned that on page 5, about half-way down, the word "two" should be "too". Vote: Ayes.

Andy Ficiciello represented Hubler Acura to give a brief presentation of the dealership. They have been open for about 18 months, investing about \$4 million in building and land and about \$2 million in inventory. There are about 20 people who make the dealership full service. Mr. Ficiciello estimates that they are from 25 to 41 days from being fully operational at the Mazda dealership, which entails about another \$2 million in building and grounds plus roughly \$1.5 million in inventory. Hubler is committed to building jobs in Greenwood, he added.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported that the last Plan Commission meeting was a training session where they talked primarily about the National Planning Council attended by Director of Planning, Zoning, Research & Development Ed Ferguson. Mr. Armstrong noted that he would discuss different issues as they arise.

Mr. Deer mentioned that the tax abatement committee has been delayed in reporting to the Redevelopment Commission as their last meeting was canceled due to lack of a quorum. The committee has a meeting scheduled for June 23<sup>rd</sup> at 7:00 p.m. in the first-floor conference room. Mr. Deer will update the Council at the July 5<sup>th</sup> meeting and will report to the Redevelopment Commission on July 6<sup>th</sup>. Mr. Deer added that the sub-committee on standards met last week and they will be putting together some solutions to present to the Plan Commission.

Mr. Bless reported that the Meet & Confer Committee will meet June 14<sup>th</sup> at 4:30 at the Police Station conference room.

**ORDINANCE No. 04-12** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana (Approximately 94 acres of land along both the west and east sides of S.R. 135, north of Olive Branch Road – commonly known as the DSA, LLC, Alyea, Wilderness Development, Inc., Ace Securities, Inc. and Forest Lawn Memory Gardens, Inc. Properties). Attorney Steve Huddleston, representing Wal-Mart, read a statement from his client indicating that Wal-Mart did not wish to make a presentation against the recommendation of the Plan Commission but will instead focus on alternative sites in the Greenwood area and will take into consideration the feedback they have received throughout the public hearings. Ms. Reed moved to deny Ordinance No. 04-12. Second by Mr. Hardin. Attorney Joe Van Valer represented the Alyea family and Wilderness Development in not making a presentation. Mayor Henderson opened the public hearing. Lynette Gray, on behalf of the remonstrators, had no objection on moving forward with the motion on the floor but asked to reserve time to respond if another action were taken. Mayor Henderson agreed with that and said that if the ordinance passed first reading he would extend the public hearing to second reading. Mr. Armstrong reiterated that the petition was given an unfavorable

recommendation by the Plan Commission, 7 – 1. Vote: Ayes. **ORDINANCE No. 04-12 DENIED AT FIRST READING.**

At 7:15 p.m. the Council recessed, and reconvened at 7:25 p.m.

**RESOLUTION No. 04-15** – A Resolution of the Greenwood Common Council Regarding the Issuance of Warrants (Approval of the Payment of Claims). **POSTPONED UNTIL JUNE 21<sup>st</sup> MEETING.**

**ORDINANCE No. 04-19** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, in Accordance with the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 47.516 acres of land located east of I-65 and north of East Main Street, commonly known as the Sarah Mae Windhorst Revocable Trust Property). Mr. Bates moved to pass Ordinance No. 04-19 on first reading. Second by Mr. Bless. Mr. Armstrong commented that this was given a unanimous favorable recommendation by the Plan Commission, 9 – 0. Attorney Mike Cook represented the petitioner. He described the property on a map, pointing out that this parcel would be combined with what his client already has if the rezoning is successful for the purpose of industrial development, distribution warehouse facilities specifically. The property is currently C-2. Annexation of approximately 118 acres will be before the Council at a later date. Mr. Armstrong pointed out that rezoning can proceed before annexation since it is within the area of extended jurisdiction. The proposed access would be off of Graham Road. Vote: Ayes. **PASSED FIRST READING.**

**ORDINANCE No. 04-20** – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 110.118 Acres Located East of I-65 and North of East Main Street (commonly known as the Sarah Mae Windhorst Revocable Trust Property). **POSTPONED UNTIL JULY 19, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING.**

**RESOLUTION No. 04-16** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 110.26 Acres Located East of Interstate 65 and North of East Main Street, Referencing Annexation Ordinance No. 04-20. Mr. Deer moved to pass Resolution No. 04-16 through first reading. Second by Ms. Reed. Vote: Ayes. **PASSED FIRST READING.**

**ORDINANCE No. 04-09** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately .68 Acres Located at the Southwest Corner of S.R. 135 and Smith Valley Road, and Commonly Known as the Schoolcraft Development, Inc. Property. Mr. Bates moved to pass Ordinance No. 04-09 through second reading. Second by Mr. Bless. Mr. Armstrong told the Council that this petition also received a 9 – 0 favorable recommendation from the Plan Commission. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-14** – An Ordinance Amending Greenwood Municipal Code (1993), As Amended, Section 2-95 and Common Council Ordinance No. 88-7, As Amended, Section 1, to Establish Petty Cash Funds for the Greenwood City Court – Adult Probation Department and the Legal Department. Ms. Reed moved to pass Ordinance No. 04-14 on second reading. Second by Mr. Bates. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-15** – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Development Fund (\$1,503,447) to the Board of Public Works and Safety For Reconstruction and Repair of Portions of Meadowview Lane, Main Street, Smith Valley Road, and Smith Valley Road By-Pass in the City of Greenwood. Mr. Bless moved to pass Ordinance No. 04-15 through second reading. Second by Mr. Bates. Mr. Armstrong asked the Mayor if he had any future plans for this kind of withdrawal from Cum Cap funds over the next couple of years. Mayor Henderson reminded the Council that these streets were a part of his long-term plan and added that any future use of the funds would be an emergency type situation. At this time he does not plan any withdrawal of this kind. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-16** – An Ordinance to Amend Ordinance No. 89-11, An Ordinance Granting a Cable Television Franchise Agreement to Construct and Operate a Cable Television System in the City of Greenwood, to Renew and Extend the Cable Franchise Agreement With Insight Communication Midwest, LLC. Mr. Deer moved to pass Ordinance No. 04-16 on second reading. Second by Mr. Armstrong. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-18** – An Ordinance Transferring Funds Within the Budget of the Post Conviction Services Department (Probation and Drug Court) (\$75,000). Ms. Reed moved to pass Ordinance No. 04-18 through second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-21** – An Ordinance Providing for Additional Appropriations From the Cumulative Capital Improvement Fund – Tax Levy to the Board of Public Works and Safety (\$30,418.35) and to the Common Council (\$725) for Payment of Professional Services Fees. Mayor Henderson noted that these fees were for consultants on the bond issue, and the City Attorney added that the appraisal fees on 30 N. Madison Avenue were included as well. **INTRODUCED.**

**ORDINANCE No. 04-22** – An Ordinance Transferring Funds From the Budget of the Information Technology Department (\$9,500) to the Budget of the Common Council. Ms. Koons-Davis noted that this would be the fee for the audit that the Council asked for. **INTRODUCED.**

**ORDINANCE No. 04-23** – An Ordinance Vacating Public Alley Right-of-Way Adjoining Lot Number 1 in George Shryock's Addition in the City of Greenwood. This is the petition by Betty Pavan, scheduled for a public hearing on June 21<sup>st</sup>. **INTRODUCED.**

**ORDINANCE No. 04-24** – An Ordinance Amending the 2004 Salary Ordinance, Common Council Ordinance No. 03-34, Regarding the City Court to Create Additional Positions and Eliminate Various Positions. Ms. Koons-Davis told the Council that Judge Gregory had contacted her about preparing this ordinance. They want to change the job duties and responsibilities of the bailiff to director of court operations and community service work coordinator to community operations coordinator. Those salaries would increase slightly, she added. **INTRODUCED.**

**ORDINANCE No. 04-25** – An Ordinance Providing For Additional Appropriations From the General Fund (\$7,500) and the City Court Late Fees Fund (\$7,500) to the City Court to Study the Feasibility of Constructing a New City Court Facility in the City of Greenwood. The City Attorney explained that Judge Gregory asked her to prepare this ordinance, as he feels it would be prudent for him to find a proposed location and do a cost analysis. **INTRODUCED.**

**RESOLUTION No. 04-17** – A Resolution Transferring Money From the Cumulative Capital Improvement Fund – Cigarette Tax to the General Fund (\$150,000). This was previously introduced by Resolution No. 04-11 and was not approved by the State, as they said it must be advertised, even though not required by statute. **INTRODUCED.**

**RESOLUTION No. 04-18** – A Resolution of the Greenwood Common Council Expressing Interest in the Purchase of Land. Parks Director Evan Springer and Parks Board member Dick Dietrich were present to explain this. Mr. Dietrich told the Council that the Parks Board voted unanimously to purchase land. There is deficient acreage, he said, and mentioned interest in building an aquatic center. There was discussion of an exhibit showing the site, north of Cutsinger Road. Ingress and egress would be off of Apryl Drive, Cutsinger Road, and in time probably C.R. 800N. In response to Mr. Hardin, Mr. Springer replied that there could be 7 acres for development of a City Building at some point. They have not prepared a development plan yet but the Parks Department would have to make up deficiencies in acreage in order to collect the impact fee. There will be a presentation at first reading. **INTRODUCED.**

Under miscellaneous business, Mr. Deer complimented the Street Department on the grappler. He watched it in action after he had cut limbs. He also mentioned the death of Hal Vargo, chairman of the EDC, and reminded the Council that this appointment should be discussed at the next meeting.

Ms. Reed passed out the proposal for the Council budget for 2005. The Greenwood band is requesting an increase. Senior Citizens of Johnson County will come out of Professional Services. Since there has not been a claim from Help Line for three years, Ms. Reed said she omitted that funding. She welcomes suggestions from the Council. Mayor Henderson passed out a schedule for budget presentations before the Council.

Mr. Bates mentioned he received a letter from Marge and Ray Strack voicing concerns about Wal-Mart. This is in the attachments of this meeting.

Mr. Deer mentioned that there is a possibility that the Metropolitan Planning Organization will be asking communities for support towards regional transit. Mayor Henderson indicated that their forecast, if they should have to ask, would be roughly \$16,800 for the City of Greenwood.

Mr. Armstrong asked for the status of the radar trailer. Chief Hessman reported the short in the sign was worse than anticipated and it had to be shipped to the original manufacturer.

In response to Mr. Armstrong, Mr. Hardin stated that he is waiting for a projection of 98% of the projected income for 2005 from the Clerk-Treasurer. Ms. Fritz told the Council that their office had not received information on revenue sources from the State. Mr. Armstrong is interested in the total budget request. Mayor Henderson reminded the Council that final figures from the State come after the start of the year. The levy is the only certainty.

Ms. Koons-Davis brought up the compliance with statement of benefits for Nachi Technology, Precision Products, and Precision Investments. Mr. Bless moved to find Nachi Technology in substantial compliance. Second by Mr. Bates. Vote: Ayes. Motion carried. Mr. Deer mentioned that for Precision Products the machinery was less than the estimate. Counsel confirmed that they are being abated at the lower figure. Mr. Deer requested that they come to the next meeting for an explanation. Ms. Koons-Davis will contact them. Mr. Deer moved to find Precision Investments in substantial compliance. Second by Mr. Bates. Mr. Hardin suggested that the Council hold off voting on Precision Investments since they are a subsidiary of Precision Products, which are not in compliance. An explanation is needed from Precision Products. The two companies are subsidiaries. Mr. Deer withdrew the motion and Mr. Bates his second.

The City Attorney next moved to the appraisals of the Gilmour property at 30 N. Madison Avenue. One was \$93,000 and the second at \$112,000, meaning the average is \$102,500. Mr. Hardin moved to authorize the City Attorney to enter into negotiations with Ms. Gilmour. Second by Mr. Bates. An ordinance is scheduled to be introduced at the next meeting to appropriate the money to purchase the property from the Rainy Day Fund to the budget of the Board of Public Works and Safety. Vote: Ayes.

With no further business, the meeting adjourned at 8:05 p.m.